

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ACQIS LLC,  
a Texas limited liability company,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,  
a Korean business entity, and  
SAMSUNG ELECTRONICS AMERICA,  
INC., a New York corporation.

Defendants.

Civil Action No. 2:20-cv-00295

**JURY TRIAL DEMANDED**

**DEFENDANTS' AMENDED ANSWER TO PLAINTIFF'S COMPLAINT  
FOR PATENT INFRINGEMENT AND JURY DEMAND**

Defendants Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively referred to herein as "Samsung" or "Defendants") answer Plaintiff ACQIS LLC's ("Plaintiff" or "ACQIS") Complaint for Patent Infringement ("Complaint"; D.I. 1) as follows. Except as expressly admitted, Samsung denies each and every allegation in Plaintiff's Complaint. Samsung's specific responses to the numbered allegations are set forth below. For ease of reference, Samsung refers to ACQIS' headings and titles, but to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied. Samsung also asserts affirmative defenses in response to the Complaint.

**INTRODUCTION**

1. Samsung admits that Plaintiff's pleading purports to be a complaint for patent infringement, but denies Samsung has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

2. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Complaint, and therefore denies them.

3. Samsung denies that it makes, uses, sells, offers to sell, and/or imports any products that infringe the asserted patents. Samsung denies that it is in any way liable or indebted to Plaintiff under these or any other claims.

4. The Paragraph 4 of the Complaint appears to constitute a conclusion of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegation.

### **THE PARTIES**

5. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Complaint, and therefore denies them.

6. SEC admits that it is a Korean corporation and that SEC's headquarters are located at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, Korea. Samsung denies the remaining allegations of Paragraph 6 of the Complaint.

7. SEA admits that it is a New York corporation and that SEA has a principal place of business located at 85 Challenger Road, Ridgefield Park, New Jersey 07660. SEA admits that it has a corporate office located at 6625 Excellence Way, Plano, Texas 75023. SEA admits that it has a registered agent for service of process named CT Corporation System that has an address listed in Texas as 1999 Bryan St., Ste. 900, Dallas, TX 75201. Samsung denies the remaining allegations of Paragraph 7 of the Complaint.

8. Samsung admits that SEA is a wholly-owned subsidiary of SEC.

9. Samsung admits that there are authorized sellers and distributors of certain Samsung products in the State of Texas, including in this District, who sell certain Samsung

products to United States consumers. Samsung denies the remaining allegations of Paragraph 9 of the Complaint.

### **JURISDICTION AND VENUE**

10. Samsung admits that Plaintiff's pleading purports to be a complaint for patent infringement, but denies Samsung has infringed any valid and enforceable patent claim or that Plaintiff is entitled to any relief.

11. Samsung admits that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338(a), and that the Complaint purports to allege an action arising under the patent laws of the United States. Samsung denies that it is in any way liable or indebted to Plaintiff under these or any other claims.

12. Samsung does not contest, solely for the purpose of the present litigation, whether personal jurisdiction over it properly lies in this District. Samsung admits that SEA has offices in the Eastern District of Texas. Samsung admits that SEA has more than 1,000 employees at its Plano, Texas facility, including employees working in areas such as engineering, research and development, marketing, sales, and customer support for mobile devices. The remaining allegations in Paragraph 12 constitute conclusions of law, and no response of Samsung is required; to the extent an answer is required, Samsung denies that it is in any way liable or indebted to Plaintiff under these or any other claims. Samsung denies the remaining allegations of Paragraph 12.

13. Samsung does not contest at this time, and solely for the purpose of the present litigation, whether venue over it properly lies in this District, but Samsung denies that venue in this District is convenient and Samsung reserves the right to seek transfer to a more appropriate or convenient forum. The remaining allegations in Paragraph 13 constitute conclusions of law

and no response of Samsung is required; to the extent an answer is required, Samsung denies that it is in any way liable or indebted to Plaintiff under these or any other claims. Samsung denies the remaining allegations of Paragraph 13.

## **FACTUAL BACKGROUND**

### **I. The ACQIS Patents**

14. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14 of the Complaint, and therefore denies them.

15. Samsung admits that the '768 Patent attached to the Complaint as Exhibit 1 is titled "Computer System Including CPU or Peripheral Bridge Directly Connected to a Low Voltage Differential Signal Channel that Communicates Serial Bits of a Peripheral Component Interconnect Bus Transaction in Opposite Directions." Samsung admits that the face of the patent attached to the Complaint as Exhibit 1 purports to list William W.Y. Chu as the sole named inventor. Samsung admits that the face of the patent attached to the Complaint as Exhibit 1 states that the patent was issued on December 27, 2016 from a patent application filed March 13, 2014. Samsung admits that the face of the patent attached to the Complaint as Exhibit 1 states that the patent claims priority to U.S. Provisional Patent Application No. 60/134,122, filed on May 14, 1999. Samsung lacks the knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 15 of the Complaint and on that basis denies them.

16. Samsung admits that the '750 Patent attached to the Complaint as Exhibit 2 is titled "Computer System Including CPU or Peripheral Bridge Directly Connected to a Low Voltage Differential Signal Channel that Communicates Serial Bits of a Peripheral Component Interconnect Bus Transaction in Opposite Directions." Samsung admits that the face of the

patent attached to the Complaint as Exhibit 2 purports to list William W.Y. Chu as the sole named inventor. Samsung admits that the face of the patent attached to the Complaint as Exhibit 2 states that the patent was issued on July 11, 2017, from a patent application filed October 9, 2014. Samsung admits that the face of the patent attached to the Complaint as Exhibit 2 states that the patent claims priority to U.S. Provisional Patent Application No. 60/134,122, filed on May 14, 1999. Samsung lacks the knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 16 of the Complaint and on that basis denies them.

17. Samsung admits that the '797 Patent attached to the Complaint as Exhibit 3 is titled "Method of Improving Peripheral Component Interface Communications Utilizing a Low Voltage Differential Signal Channel." Samsung admits that the face of the patent attached to the Complaint as Exhibit 3 purports to list William W.Y. Chu as the sole named inventor. Samsung admits that the face of the patent attached to the Complaint as Exhibit 3 states that the patent was issued on March 10, 2015, from a patent application filed October 10, 2012. Samsung admits that the face of the patent attached to the Complaint as Exhibit 3 states that the patent claims priority to U.S. Provisional Patent Application No. 60/134,122, filed on May 14, 1999. Samsung lacks the knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 17 of the Complaint and on that basis denies them.

18. Samsung admits that the '654 Patent attached to the Complaint as Exhibit 4 is titled "Data Security Method and Device for Computer Modules." Samsung admits that the face of the patent attached to the Complaint as Exhibit 4 purports to list William W.Y. Chu as the sole named inventor. Samsung admits that the face of the patent attached to the Complaint as Exhibit 4 states that the patent was issued on December 17, 2013 from a reissue application filed October

10, 2012. Samsung admits that the face of the patent attached to the Complaint as Exhibit 4 states that the patent is a reissue of U.S. Patent No. 6,643,777, which issued on November 4, 2003, from a patent application filed May 14, 1999. Samsung admits that the face of the patent attached to the Complaint as Exhibit 4 states that U.S. Patent No. 6,643,777 issued from U.S. Patent Application No. 09/312,199, filed on May 14, 1999. Samsung lacks the knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 18 of the Complaint and on that basis denies them.

19. Samsung admits that the '140 Patent attached to the Complaint as Exhibit 5 is titled "Data Security Method and Device for Computer Modules." Samsung admits that the face of the patent attached to the Complaint as Exhibit 5 purports to list William W.Y. Chu as the sole named inventor. Samsung admits that the face of the patent attached to the Complaint as Exhibit 5 states that the patent was issued on September 16, 2014, from a reissue application filed December 17, 2013. Samsung admits that the face of the patent attached to the Complaint as Exhibit 5 states that the patent is a reissue of U.S. Patent No. 6,643,777, which issued on November 4, 2003, from a patent application filed May 14, 1999. Samsung admits that the face of the patent attached to the Complaint as Exhibit 5 states that U.S. Patent No. 6,643,777 issued from U.S. Patent Application No. 09/312,199, filed on May 14, 1999. Samsung lacks the knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 19 of the Complaint and on that basis denies them.

20. Samsung denies the allegations in Paragraph 20 of the Complaint.

21. Samsung denies the allegations in Paragraph 21 of the Complaint.

22. Samsung denies the allegations in Paragraph 22 of the Complaint.

## **II. The Inventor**

23. Samsung admits that the patents attached to the Complaint as Exhibits 1-5 appear to list William W.Y. Chu as the inventor. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 23 of the Complaint, and therefore denies them.

24. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24 of the Complaint, and therefore denies them.

25. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 25 of the Complaint, and therefore denies them.

26. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26 of the Complaint, and therefore denies them.

27. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 27 of the Complaint, and therefore denies them.

28. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 28 of the Complaint, and therefore denies them.

29. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 29 of the Complaint, and therefore denies them.

30. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 30 of the Complaint, and therefore denies them.

### **III. Samsung**

31. Samsung admits that it is a global company generally involved in the manufacture and sale of smartphones, tablets, notebook computers, and smart televisions. Samsung denies the remaining allegations of Paragraph 31 of the Complaint.

32. SEC admits that in 2019 SEC has reported its global revenue of approximately \$198 billion USD and SEA's reported revenue of approximately \$28 billion USD when converted at the exchange rate at the date the Complaint was filed. SEA specifically denies that its revenue attributable to individual products is publicly available. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 32 of the Complaint, and therefore denies them.

#### **IV. Samsung's [Alleged] Direct Infringement and the Accused Instrumentalities**

33. Samsung admits that Paragraph 33 of the Complaint purports to define the term "Accused Instrumentalities" as stated in Paragraph 33. Samsung denies that it has infringed any valid and enforceable patent claim or that ACQIS is entitled to any relief. Samsung denies the remaining allegations of Paragraph 33 of the Complaint.

34. Samsung admits that SEC manufactures and tests one or more Accused Instrumentalities abroad. Samsung admits that SEA sells at least some Accused Instrumentalities in the United States and imports at least some Accused Instrumentalities into the United States. Samsung denies the remaining allegations of Paragraph 34 of the Complaint.

35. Samsung denies the allegations in Paragraph 35 of the Complaint.

36. Samsung denies the allegations in Paragraph 36 of the Complaint.

37. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 37 of the Complaint, and therefore denies them.

38. Samsung admits that a Qualcomm Snapdragon 855 SoC can be found in certain Samsung Galaxy S10 smartphones. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 38 of the Complaint, and therefore denies them.

**A. Samsung Galaxy S20 Ultra 5G Smartphone and Qualcomm Snapdragon 865 SoC**

39. Samsung admits that some models of the Galaxy S20 Ultra 5G are compatible with at least one version of the Android 10 operating system. Samsung denies all remaining allegations of Paragraph 39.

40. Samsung admits that a Qualcomm Snapdragon 865 SoC can be found in certain Samsung Galaxy S20 Ultra 5G smartphones. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 40 of the Complaint, and therefore denies them.

41. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 41 of the Complaint, and therefore denies them

42. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 42 of the Complaint, and therefore denies them.

43. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 43 of the Complaint, and therefore denies them.

44. Samsung admits that a Qualcomm Snapdragon 855 SoC can be found in certain Samsung Galaxy S10 smartphones. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 44 of the Complaint, and therefore denies them.

**B. PCIe Functionality in the Samsung Galaxy S20 Ultra 5G Smartphone**

45. Samsung admits that a Qualcomm Snapdragon 865 SoC can be found in certain Samsung Galaxy S20 Ultra 5G smartphones. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 45 of the Complaint, and therefore denies them.

46. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 46 of the Complaint, and therefore denies them.

47. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 47 of the Complaint, and therefore denies them.

48. Samsung admits that a Qualcomm SDX55M 5G modem can be found in certain Samsung Galaxy S20 Ultra 5G smartphones. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 48 of the Complaint, and therefore denies them.

49. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 49 of the Complaint, and therefore denies them.

50. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 50 of the Complaint, and therefore denies them.

51. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 51 of the Complaint, and therefore denies them.

52. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 52 of the Complaint, and therefore denies them.

53. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 53 of the Complaint, and therefore denies them.

54. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 54 of the Complaint, and therefore denies them.

55. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 55 of the Complaint, and therefore denies them.

56. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 56 of the Complaint, and therefore denies them.

57. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 57 of the Complaint, and therefore denies them.

58. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 58 of the Complaint, and therefore denies them.

59. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 59 of the Complaint, and therefore denies them.

### **C. USB 3.x Functionality in the Samsung Galaxy S20 Ultra 5G Smartphone**

60. Samsung admits that the Qualcomm Snapdragon 865 SoC can be found in certain Samsung Galaxy S20 Ultra 5G smartphones. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 60 of the Complaint, and therefore denies them.

61. Samsung admits that at least some models of the Samsung Galaxy S20 Ultra 5G smartphone contain a port that the website [www.samsung.com](http://www.samsung.com) identifies as a “USB Type-C” port. Samsung admits that the website [www.samsung.com](http://www.samsung.com) identifies that at least some models of the Samsung Galaxy S20 Ultra 5G smartphone have a port that is compatible with “USB 3.2 Gen 1.” Samsung denies the remaining allegations in Paragraph 61 of the Complaint.

62. Samsung admits that the website [www.samsung.com](http://www.samsung.com) identifies that at least some models of the Samsung Galaxy S20 Ultra 5G smartphone have a port that is compatible with “USB 3.1.” Samsung denies the remaining allegations in Paragraph 62 of the Complaint.

63. Samsung admits that the website [www.samsung.com](http://www.samsung.com) identifies at least some models of the Samsung Galaxy S20 Ultra 5G smartphone contain a port that the website

www.samsung.com identifies as a “USB Type-C” port. Samsung admits that the website www.samsung.com identifies that at least some models of the Samsung Galaxy S20 Ultra 5G smartphone support “DisplayPort.” Samsung denies the remaining allegations in Paragraph 63 of the Complaint.

64. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 64 of the Complaint, and therefore denies them.

65. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 65 of the Complaint, and therefore denies them.

66. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 66 of the Complaint, and therefore denies them.

67. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 67 of the Complaint, and therefore denies them.

**D. Other Components in Samsung Galaxy S20 Ultra 5G Smartphone**

68. Samsung admits that some Samsung Galaxy S20 Ultra 5G smartphones contain memory that may be labeled “K3LK4K40BM-BGCN.” Samsung denies the remaining allegations of Paragraph 68.

69. Samsung denies the allegations of Paragraph 69.

70. Samsung denies the allegations of Paragraph 70.

71. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 71 of the Complaint, and therefore denies them.

72. Samsung denies the allegations of Paragraph 72 of the Complaint.

73. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 73 of the Complaint, and therefore denies them.

74. Samsung admits that some Samsung Galaxy S20 Ultra 5G smartphones contain a storage device that may be labeled “KLUDG4UHDB-B2D1.” Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 74 of the Complaint, and therefore denies them.

75. Samsung denies the allegations of Paragraph 75 of the Complaint.

#### **V. ACQIS [Allegedly] Provided Actual Notice to Samsung**

76. Samsung denies the allegations of Paragraph 76 of the Complaint.

77. Samsung denies the allegations of Paragraph 77 of the Complaint.

78. Samsung denies the allegations of Paragraph 78 of the Complaint.

79. Samsung denies the allegations of Paragraph 79 of the Complaint.

80. Samsung denies the allegations of Paragraph 80 of the Complaint.

#### **VI. Samsung’s Indirect Infringement**

81. Samsung denies the allegations of Paragraph 81 of the Complaint.

82. Samsung denies the allegations of Paragraph 82 of the Complaint.

83. Samsung admits that it has obtained approval from some U.S. and state regulatory agencies such as the Federal Communications Commission in connection with certain Samsung products in the United States. Samsung denies all remaining allegations of Paragraph 83 of the Complaint.

84. Samsung denies the allegations of Paragraph 84 of the Complaint.

85. Samsung denies the allegations of Paragraph 85 of the Complaint.

86. Samsung denies the allegations of Paragraph 86 of the Complaint.

87. SEC admits that it has reported revenues of \$198 billion USD in 2019. Samsung denies the remaining allegations of Paragraph 87 of the Complaint.

88. Samsung denies the allegations of Paragraph 88 of the Complaint.

**COUNT I: [ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 9,529,768**

89. Samsung incorporates by reference its responses to Paragraphs 1-88 of the Complaint.

90. The allegations in Paragraph 90 appear to constitute conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

91. Samsung denies the allegations of Paragraph 91 of the Complaint.

92. Samsung denies the allegations of Paragraph 92 of the Complaint.

93. Samsung denies the allegations of Paragraph 93 of the Complaint.

94. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 94 of the Complaint, and therefore denies them.

95. Samsung admits that some models of the Galaxy S20 Ultra 5G are compatible with at least one version of the Android 10 operating system. Samsung denies all remaining allegations of Paragraph 95.

96. Samsung incorporates its responses to Paragraphs 40-44 by reference. Samsung admits that a Qualcomm Snapdragon 865 SoC can be found in certain Samsung Galaxy S20 Ultra 5G smartphones. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 96 of the Complaint, and therefore denies them.

97. Samsung incorporates its responses to Paragraphs 60-67 by reference. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 97 of the Complaint, and therefore denies them.

98. Samsung incorporates its responses to Paragraphs 60-67 by reference. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 98 of the Complaint, and therefore denies them.

99. Samsung incorporates its responses to Paragraphs 60-67 by reference. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 99 of the Complaint, and therefore denies them.

100. Samsung incorporates its responses to Paragraphs 68-71 by reference. Samsung admits that some Samsung Galaxy S20 Ultra 5G smartphones contain memory that may be labeled “K3LK4K40BM-BGCN.” Samsung denies the remaining allegations of Paragraph 100.

101. Samsung incorporates its responses to Paragraphs 72-73 by reference. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 101 of the Complaint, and therefore denies them.

102. Samsung incorporates its responses to Paragraphs 76-80 by reference. Samsung denies the allegations of Paragraph 102 of the Complaint.

103. Samsung denies the allegations of Paragraph 103 of the Complaint.

104. Samsung denies the allegations of Paragraph 104 of the Complaint.

105. Samsung admits that it has obtained approval from some U.S. and state regulatory agencies such as the Federal Communications Commission in connection with certain Samsung products in the United States. Samsung denies all remaining allegations of Paragraph 105 of the Complaint.

106. Samsung denies the allegations of Paragraph 106 of the Complaint.

107. Samsung denies the allegations of Paragraph 107 of the Complaint.

108. Samsung denies the allegations of Paragraph 108 of the Complaint.

109. Samsung denies the allegations of Paragraph 109 of the Complaint.

110. Samsung denies the allegations of Paragraph 110 of the Complaint.

111. Samsung denies the allegations of Paragraph 111 of the Complaint.

**COUNT II: [ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 9,703,750**

112. Samsung incorporates by reference its responses to Paragraphs 1-88 of the Complaint.

113. The allegations in Paragraph 113 appear to constitute conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

114. Samsung denies the allegations of Paragraph 114 of the Complaint.

115. Samsung denies the allegations of Paragraph 115 of the Complaint.

116. Samsung denies the allegations of Paragraph 116 of the Complaint.

117. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 117 of the Complaint, and therefore denies them.

118. Samsung incorporates its responses to Paragraph 39 by reference. Samsung admits that some models of the Galaxy S20 Ultra 5G are compatible with at least one version of the Android 10 operating system. Samsung denies all remaining allegations of Paragraph 118.

119. Samsung incorporates its responses to Paragraphs 40-44 by reference. Samsung admits that a Qualcomm Snapdragon 865 SoC can be found in certain Samsung Galaxy S20 Ultra 5G smartphones. Samsung incorporates its responses to Paragraphs 40-44 by reference. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 119 of the Complaint, and therefore denies them.

120. Samsung incorporates its responses to Paragraphs 45-59 by reference. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 120 of the Complaint, and therefore denies them.

121. Samsung incorporates its responses to Paragraphs 45-59 by reference. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 121 of the Complaint, and therefore denies them.

122. Samsung incorporates its responses to Paragraphs 45-59 by reference. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 122 of the Complaint, and therefore denies them.

123. Samsung incorporates its responses to Paragraphs 68-71 by reference. Samsung admits that some Samsung Galaxy S20 Ultra 5G smartphones contain memory that may be labeled “K3LK4K40BM-BGCN.” Samsung denies the remaining allegations of Paragraph 123.

124. Samsung incorporates its responses to Paragraphs 76-80 by reference. Samsung denies the allegations of Paragraph 124 of the Complaint.

125. Samsung denies the allegations of Paragraph 125 of the Complaint.

126. Samsung denies the allegations of Paragraph 126 of the Complaint.

127. Samsung admits that it has obtained approval from some U.S. and state regulatory agencies such as the Federal Communications Commission in connection with certain Samsung products in the United States. Samsung denies all remaining allegations of Paragraph 127 of the Complaint.

128. Samsung denies the allegations of Paragraph 128 of the Complaint.

129. Samsung denies the allegations of Paragraph 129 of the Complaint.

130. Samsung denies the allegations of Paragraph 130 of the Complaint.

131. Samsung denies the allegations of Paragraph 131 of the Complaint.

132. Samsung denies the allegations of Paragraph 132 of the Complaint.

133. Samsung denies the allegations of Paragraph 133 of the Complaint.

**COUNT III: [ALLEGED] INFRINGEMENT OF U.S. PATENT NO. 8,977,797**

134. Samsung incorporates by reference its responses to Paragraphs 1-88 of the Complaint.

135. The allegations in Paragraph 135 appear to constitute conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

136. Samsung denies the allegations of Paragraph 136 of the Complaint.

137. Samsung denies the allegations of Paragraph 137 of the Complaint.

138. Samsung denies the allegations of Paragraph 138 of the Complaint.

139. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 139 of the Complaint, and therefore denies them.

140. Samsung denies the allegations of Paragraph 140 of the Complaint.

141. Samsung incorporates its responses to Paragraphs 39-44 and 60-67 by reference. Samsung denies the remaining allegations of Paragraph 141 of the Complaint.

142. Samsung incorporates its responses to Paragraphs 60-67 by reference. Samsung denies the remaining allegations of Paragraph 142 of the Complaint.

143. Samsung incorporates its responses to Paragraphs 60-67 by reference. Samsung denies the remaining allegations of Paragraph 143 of the Complaint.

144. Samsung incorporates its responses to Paragraphs 76-80 by reference. Samsung denies the allegations of Paragraph 144 of the Complaint.

145. Samsung denies the allegations of Paragraph 145 of the Complaint.

146. Samsung denies the allegations of Paragraph 146 of the Complaint.

147. Samsung admits that it has obtained approval from some U.S. and state regulatory agencies such as the Federal Communications Commission in connection with certain Samsung products in the United States. Samsung denies all remaining allegations of Paragraph 147 of the Complaint.

148. Samsung denies the allegations of Paragraph 148 of the Complaint.

149. Samsung denies the allegations of Paragraph 149 of the Complaint.

150. Samsung denies the allegations of Paragraph 150 of the Complaint.

151. Samsung denies the allegations of Paragraph 151 of the Complaint.

152. Samsung denies the allegations of Paragraph 152 of the Complaint.

153. Samsung denies the allegations of Paragraph 153 of the Complaint.

#### **COUNT IV: [ALLEGED] INFRINGEMENT OF U.S. PATENT NO. RE44,654**

154. Samsung incorporates by reference its responses to Paragraphs 1-88 of the Complaint.

155. The allegations in Paragraph 155 appear to constitute conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

156. Samsung denies the allegations of Paragraph 156 of the Complaint.

157. Samsung denies the allegations of Paragraph 157 of the Complaint.

158. Samsung denies the allegations of Paragraph 158 of the Complaint.

159. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 159 of the Complaint, and therefore denies them.

160. Samsung denies the allegations of Paragraph 160 of the Complaint.

161. Samsung incorporates its responses to Paragraphs 40-44 by reference. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 161 of the Complaint, and therefore denies them.

162. Samsung admits that a Qualcomm Snapdragon 855 SoC can be found in certain Samsung Galaxy S10 smartphones. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 162 of the Complaint, and therefore denies them.

163. Samsung incorporates its responses to Paragraphs 45-59 by reference. Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 163 of the Complaint, and therefore denies them.

164. Samsung incorporates its responses to Paragraphs 60-67 by reference. Samsung denies the allegations of Paragraph 164 of the Complaint.

165. Samsung admits that at least some models of the Galaxy S10 smartphone include a port that the website [www.samsung.com](http://www.samsung.com) identifies as a “USB-C” port. Samsung denies all remaining allegations of Paragraph 165 of the Complaint.

166. Samsung denies the allegations of Paragraph 166.

167. Samsung admits that the website [www.samsung.com](http://www.samsung.com) identifies that at least some models of the Galaxy S10 smartphone have a port that is compatible with “USB 3.1.” Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 167 of the Complaint, and therefore denies them.

168. Samsung incorporates its responses to Paragraphs 60-67 by reference. Samsung denies the allegations of Paragraph 168 of the Complaint.

169. Samsung incorporates its responses to Paragraphs 76-80 by reference. Samsung denies the allegations of Paragraph 169 of the Complaint.

170. Samsung denies the allegations of Paragraph 170 of the Complaint.

171. Samsung denies the allegations of Paragraph 171 of the Complaint.

172. Samsung admits that it has obtained approval from some U.S. and state regulatory agencies such as the Federal Communications Commission in connection with certain Samsung products in the United States. Samsung denies all remaining allegations of Paragraph 172 of the Complaint.

173. Samsung denies the allegations of Paragraph 173 of the Complaint.

174. Samsung denies the allegations of Paragraph 174 of the Complaint.

175. Samsung denies the allegations of Paragraph 175 of the Complaint.

176. Samsung denies the allegations of Paragraph 176 of the Complaint.

177. Samsung denies the allegations of Paragraph 177 of the Complaint.

178. Samsung denies the allegations of Paragraph 178 of the Complaint.

#### **COUNT V: INFRINGEMENT OF U.S. PATENT NO. RE45,140**

179. Samsung incorporates by reference its responses to Paragraphs 1-88 of the Complaint.

180. The allegations in Paragraph 180 appear to constitute conclusions of law and no response of Samsung is required; to the extent an answer is required, Samsung denies the allegations.

181. Samsung denies the allegations of Paragraph 181 of the Complaint.

182. Samsung denies the allegations of Paragraph 182 of the Complaint.

183. Samsung denies the allegations of Paragraph 183 of the Complaint.

184. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 184 of the Complaint, and therefore denies them.

185. Samsung denies the allegations of Paragraph 185 of the Complaint.

186. Samsung incorporates its responses to Paragraphs 40-44 by reference. Samsung denies the allegations of Paragraph 186 of the Complaint.

187. Samsung incorporates its responses to Paragraphs 45-59 by reference. Samsung denies the remaining allegations of Paragraph 187 of the Complaint.

188. Samsung incorporates its responses to Paragraphs 45-59 by reference. Samsung denies the remaining allegations of Paragraph 188 of the Complaint.

189. Samsung incorporates its responses to Paragraphs 60-67 by reference. Samsung admits that the website [www.samsung.com](http://www.samsung.com) identifies that at least some models of the Samsung Galaxy S20 Ultra 5G smartphone and Samsung Galaxy S10 smartphone support “DisplayPort.” Samsung denies the remaining allegations of Paragraph 189 of the Complaint.

190. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 190 of the Complaint, and therefore denies them.

191. Samsung admits that the website [www.samsung.com](http://www.samsung.com) identifies that at least some models of the Samsung Galaxy S10 smartphone support “DisplayPort.” Samsung is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 191 of the Complaint, and therefore denies them.

192. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 192 of the Complaint, and therefore denies them.

193. Samsung is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 193 of the Complaint, and therefore denies them.

194. Samsung incorporates its responses to Paragraphs 68-73 by reference. Samsung denies the remaining allegations of Paragraph 194 of the Complaint.

195. Samsung incorporates its responses to Paragraphs 76-80 by reference. Samsung denies the remaining allegations of Paragraph 195 of the Complaint.

196. Samsung denies the allegations of Paragraph 196 of the Complaint.

197. Samsung denies the allegations of Paragraph 197 of the Complaint.

198. Samsung admits that it has obtained approval from some U.S. and state regulatory agencies such as the Federal Communications Commission in connection with certain Samsung products in the United States. Samsung denies all remaining allegations of Paragraph 198 of the Complaint.

199. Samsung denies the allegations of Paragraph 199 of the Complaint.

200. Samsung denies the allegations of Paragraph 200 of the Complaint.

201. Samsung denies the allegations of Paragraph 201 of the Complaint.

202. Samsung denies the allegations of Paragraph 202 of the Complaint.

203. Samsung denies the allegations of Paragraph 203 of the Complaint.

204. Samsung denies the allegations of Paragraph 204 of the Complaint.

### **JURY TRIAL DEMANDED**

This Paragraph sets forth ACQIS' request for a jury trial to which no response is required.

### **PRAYER FOR RELIEF**

These Paragraphs set forth the statement of relief requested by ACQIS, to which no response is required. Samsung denies that ACQIS is entitled to any relief and specifically denies all the allegations and prayers for relief in Paragraphs (A) through (E) of ACQIS' prayer for relief.

### **DENIAL OF ANY REMAINING ALLEGATIONS**

Except as specifically admitted herein, Samsung denies all remaining allegations in ACQIS' Complaint.

### **AFFIRMATIVE DEFENSES**

Subject to the responses above, Samsung alleges and asserts the following defenses in response to the allegations in ACQIS' Complaint, undertaking the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated herein. In addition to the affirmative defenses described below, subject to its responses above, Samsung specifically reserves all rights to allege additional affirmative defenses that become known through the course of discovery.

#### **FIRST AFFIRMATIVE DEFENSE (Failure to State a Claim)**

ACQIS' Complaint and the allegations therein fail to state a claim upon which relief may be granted.

#### **SECOND AFFIRMATIVE DEFENSE (No Infringement)**

Samsung does not infringe any valid and enforceable claim of any asserted patent in any manner or under any theory of infringement, including under 35 U.S.C. § 271(a), (b), (c), and/or (f), literally or under the doctrine of equivalents, directly or indirectly, willfully or otherwise, including pursuant to the doctrines of joint or divided infringement. Samsung has not performed any act and is not proposing to perform any act in violation of any rights validly belonging to Plaintiff.

**THIRD AFFIRMATIVE DEFENSE  
(Invalidity)**

The asserted claims of the asserted patents are invalid for failure to satisfy the requirements of 35 U.S.C. § 100, et seq., including, but not limited to, one or more of the following: 35 U.S.C. §§ 101, 102, 103, 111, 112, 116, 132 and/or 251 and the judicial doctrine of obvious-type double patenting.

**FOURTH AFFIRMATIVE DEFENSE  
(Limitation on Damages)**

Plaintiff's claims for damages are statutorily limited under 35 U.S.C. §§ 286 and 287.

**FIFTH AFFIRMATIVE DEFENSE  
(Prosecution History Estoppel and Disclaimer)**

Plaintiff's claims are barred in whole or in part by the doctrines of prosecution history estoppel and/or prosecution disclaimer.

**SIXTH AFFIRMATIVE DEFENSE  
(Waiver and Estoppel)**

Plaintiff's claims for relief are barred in whole or in part by the doctrines of waiver and/or estoppel.

**SEVENTH AFFIRMATIVE DEFENSE  
(Inconvenient Venue)**

Venue in this District is not convenient pursuant to 28 U.S.C. § 1404 and Samsung reserves the right to seek transfer to a more appropriate or convenient forum.

**EIGHTH AFFIRMATIVE DEFENSE  
(Ensnarement)**

Plaintiff's claims are barred or limited in whole or in part by the doctrine of ensnarement.

**NINTH AFFIRMATIVE DEFENSE  
(No Enhanced Damages)**

Plaintiff is not entitled to enhanced damages under 35 U.S.C. § 284.

**RESERVATION OF AFFIRMATIVE DEFENSES**

Samsung hereby reserves the right to supplement its affirmative defenses as discovery proceeds in this case.

**PRAYER FOR RELIEF**

WHEREFORE, Samsung prays for judgment as follows:

- A. Plaintiff takes nothing by way of its Complaint;
- B. The Court enter judgment in favor of Samsung and against Plaintiff, thereby dismissing the Complaint in its entirety, with prejudice, and deny Plaintiff all requested relief;
- C. The Court find that the asserted claims of the asserted patents are invalid and/or unenforceable;
- D. The Court find that Samsung has not infringed, literally or under the doctrine of equivalents, directly or indirectly, willfully or otherwise, any valid claim of any asserted patent;
- E. The Court find that Plaintiff cannot recover any damages from Samsung for any infringement of any asserted patent and is not entitled to injunctive relief;
- F. The Court declare that this case is exceptional, entitling Samsung to its attorneys' fees under 35 U.S.C. § 285, and award Samsung its costs and reasonable attorneys' fees; and
- G. The Court grant Samsung all other and further relief that the Court deems appropriate.

**JURY DEMAND**

Samsung demands a trial by jury on all issues so triable.

Dated: January 12, 2021

Respectfully submitted,

By /s/ Melissa R. Smith

Mark D. Fowler (pro hac vice)  
Alan Limbach (pro hac vice)  
Aaron Wainscoat (pro hac vice)  
Erik R. Fuehrer (Admitted 5/24/12)  
Alan A Limbach (pro hac vice)  
Monica DeLazzari (pro hac vice)  
**DLA PIPER LLP (US)**  
2000 University Avenue  
East Palo Alto, CA 94303  
Tel: 650.833.2000  
Fax: 650.833.2001  
mark.fowler@us.dlapiper.com  
alan.limbach@us.dlapiper.com  
aaron.wainscoat@usdlapiper.com  
erik.fuehrer@us.dlapiper.com  
monica.delazzari@us.dlapiper.com

Aaron Fountain  
Texas Bar No. 24050619  
**DLA PIPER LLP (US)**  
401 Congress Avenue, Suite 2500  
Austin, TX 78701-3799  
Tel: 512.457.7190  
Fax: 512.457.7001  
aaron.fountain@us.dlapiper.com

Melissa R. Smith  
State Bar No. 24001351  
**GILLAM & SMITH, LLP**  
303 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
Email: melissa@gillamsmithlaw.com

**ATTORNEYS FOR DEFENDANTS**  
**SAMSUNG ELECTRONICS CO., LTD. and**  
**SAMSUNG ELECTRONICS AMERICA, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a) on January 12, 2021. Any other counsel of record will be served by a facsimile and/or first class mail.

/s/ *Melissa R. Smith*

Melissa R. Smith